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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,810	12/12/2003	Atsushi Narusawa	Q78953	8813
23373 7590 05/16/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER FABER, DAVID	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/733,810

Applicant(s)

NARUSAWA, ATSUSHI

Examiner

David Faber

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to amendment filed on 13 March 2007.
2. Claims 1-3, and 5-6 have been amended. Claims 7-13 have been cancelled.
3. Claims 14 and 15 have been added.
4. The rejection of Claims 5-6 under 35 U.S.C. 101 has been withdrawn necessitated by the amendment.
5. Claims 1-6, and 14-15 are pending. Claims 1, 2, 5, 6, 14 and 15 are independent claims.

### ***Drawings***

6. The drawings were received on 13 March 2007. These drawings are not accepted.
7. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 2178

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 14 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

10. Claim 14 and 15 recites the limitation an input circuit and a control circuit. However, the Examiner is unable to locate any disclosure or the terms "an input circuit that inputs tags" within the specification stating the limitation.

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 1-6 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claims 1 and 5 discloses the limitation "judging whether a document ... comprises tags which can cause a conflict...." The use of the phrase "comprise tags can cause" makes the claim vague and indefinite since its unclear to the Examiner if phrase is viewed as any tag or all tags have the possibility of having a conflict occurring. Since it the phrase is viewed of any tag have the possibility of a conflict occurring, that does not necessary mean that a conflict will occur all at all. Therefore, since a document

Art Unit: 2178

comprises tags, such as any tag, which can cause a conflict, any or all tags can also not cause a conflict. In other words, just because the tags have the possibility of causing a conflict, does not mean it will cause a conflict since all the tags do not have the possibility of causing a conflict to occur. Thus, Claim 1 is rejected under 112 second paragraph for the use of the term "comprise tags can cause" making the claim vague and indefinite. Furthermore, Examiner will view the claim as the conflict not occurring since the claim does not disclose the conflict occurring, since its possible for any or all tag of a conflict occurring, if at all, throughout this Office action.

14. Claims 2 and 6 disclose the limitation "judging whether a document ... comprises tags which can impede initiating processing." The use of the phrase "comprise tags which can impede" makes the claim vague and indefinite since its unclear to the Examiner if phrase is viewed as any tag or all tags have the possibility of having the impedance occurring. Since it the phrase is viewed of any tag have the possibility of the impedance occurring, that does not necessary mean that the impedance will occur all at all. Therefore, since a document comprises tags, such as any tag, which can cause the impedance, any or all tags can also not cause the impedance. In other words, just because the tags have the possibility of causing the impedance, does not mean it will cause the impedance since all the tags do not have the possibility of causing the impedance to occur. Thus, Claim 2 is rejected under 112 second paragraph for the use of the term "comprise tags which can impede" making the claim vague and indefinite. Furthermore, Examiner will view the claim as the impedance not occurring since the

Art Unit: 2178

claim does not disclose the impedance occurring, since its possible for any or all tag of a impedance occurring, if at all, throughout this Office action.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Templeman (US Patent #5,845,303, published 12/1/1998).

As per independent claim 14, Templeman discloses an apparatus comprising:

- an input circuit that inputs tags corresponding to a document written in a structured tag language; (Col 3, lines 26-40; Col 5, lines 53-Col 7, line 67; Col 10, lines 3-25: Discloses tags of an input file being inputted into a metaform (document) written in a tag format
- a control circuit that determines if the tags indicate a potential conflict between an order in which coordinate positions of objects contained in the document are determined and an order in which images of the objects are formed, wherein, when the tags indicate the potential conflict, the control circuit forms the images after completely determining the coordinate positions, and wherein, when the tags do not indicate the potential conflict, the control circuit begins forming the

Art Unit: 2178

images before completely determining the coordinate positions. (Col 10, line 33- Col 11, line 22; Abstract: Templeman discloses of a conflict of when data is flown into a frame, i.e. when a logo is going to be flown into an information frame for a logo, it determines if a conflict involving the of constraints the frame for the logo and other frames around that frame positions are affected. If a conflict occurs, then the constraints are solved wherein the frame positions for the logo and others are fixed and determined before the frame is displayed or formed to the computer screen. If there is no conflict, then the logo is inputted into the object frame and formed to the computer screen for display wherein the positions of the frames are fully determined and set for displayed after the logo is fully inputted.)

As per independent claim 15, Claim 15 recites similar limitations as in Claim 14 and is similarly rejected under rationale.

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US Patent 6,377,354, filed 9/21/1998, and further in view of W3School ("HTML Tutorial: Welcome to HTML School", published as of 1/23/2002).

As per independent claim 1, Claim 1 incorporates the views based on the 35 USC 112, 2<sup>nd</sup> paragraph, rejections and the rationale incorporated. Therefore, Nguyen et al discloses of a method analyzing a location of the text and graphics elements (object images) to be printed of determining the location of an object image that may compose of a graphic or a text, and after determining the location of it overlapping a graphic or not, it processes to form the object to appear onto the document when it begins printing. When the process of overlapping is being determine, a sense of disagreement with direct placement is being considered if overlapped is revealed since the process would have merge the two objects together (i.e. retrieve the other object's position and merge the two as one) then sent to output buffer to be formed. If no overlapping is revealed, it is sent to the printer to be formed by the printer. Nguyen et al discloses that a document requires many print calls be processed hence the method is repeated every time for each object presented in the document. (Abstract; Column 6, lines 35-49, 59-62; Column 7, 4-8, 16-61)

However, Nguyen et al fails to disclose that the document is written in a structured tag language comprising tags. However, W3Schools discloses the language HTML wherein a HTML document contains markup tags that discloses how the document will appear when displayed (Pg 1, "HTML Introduction"; Pg 5).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Nguyen et al's method of printing a document with objects with W3School's disclosure of HTML documents since it would have provided HTML provides essential features of hypertext, that allows documents (web



Art Unit: 2178

page) to link to over documents, and universally, that's allows any computer to read a HTML document since the documents are text files.

As per independent claim 2, Claim 2 incorporates the views based on the 35 USC 112, 2<sup>nd</sup> paragraph, rejections and the rationale incorporated. Furthermore, Claim 2 recites similar limitations as in Claim 1, and is similar rejected under rationale.

As per dependent claim 3, Nguyen et al discloses method involves the text and graphics elements within the document, therefore, involving the whole document itself. In addition, each element is considered a portion of the document. (Abstract, lines 1-5, FIG 3-4)

As per dependent claim 4, Nguyen et al fails to specifically disclose said tags comprise at least one among "position"-type tags, "margin"-type tags, "line\_height"-type tags, "img"-type tags, and "counter"-type tags. Based on the rejection of the use of a HTML document wherein the HTML document comprises tags in Claim 1 by Nguyen et al and W3School and the rationale incorporated, W3School discloses HTML comprises "img"-type tags. (pg 7)

As per independent claim 5, Claim 5 recites similar limitations as in Claim 1 and is similarly rejected under rationale.

As per independent claim 6, Claim 6 recites similar limitations as in Claim 2 and is similarly rejected under rationale.

***Response to Arguments***

19. Applicant's arguments filed 13 March 2007 have been fully considered but they are not persuasive.

20. On pages 8-10, in regards to Claim 1 rejected under 35 U.S.C. 112, second paragraph, Applicant argues the phrase "can" clearly defines the metes and bounds of the invention and satisfies the requirements of 35 U.S.C. 112. However, the Examiner disagrees.

Claim 1 discloses the limitation "judging whether a document ... comprises tags which can cause a conflict...." The use of the phrase "comprise tags can cause" makes the claim vague and indefinite since its unclear to the Examiner if phrase is viewed as any tag or all tags have the possibility of having a conflict occurring. Since it the phrase is viewed of any tag have the possibility of an conflict occurring, that does not necessary mean that a conflict will occur all at all. Therefore, since a document comprises tags, such as any tag, which can cause a conflict, any or all tags can also not cause a conflict. In other words, just because the tags have the possibility of causing a conflict, does not mean it will cause a conflict since all the tags do not have the possibility of causing a conflict to occur. Thus, Claim 1 is rejected under 112 second paragraph for the use of the term "comprise tags can cause" making the claim vague and indefinite.

21. On pages 10-12, in regards to Claim 1 rejected under 35 USC 103(a), Applicant argues that Nguyen fails to teach or suggest the limitations of Claim 1. However, the Examiner disagrees.

Claim 1 still incorporates the views based on the 35 USC 112, 2<sup>nd</sup> paragraph, rejections and the rationale incorporated since the 35 U.S.C 112, second paragraph, was not overcome by the amendment. Therefore, Nguyen et al discloses of a method analyzing a location of the text and graphics elements (object images) to be printed by determining the location of an object image that may compose of a graphic or a text. After determining the location, determine if it is overlapping a graphic or not, it processes to form the object to appear onto the document when it begins printing. When the process of overlapping is being determined, a sense of conflict with direct placement is being considered if overlapped is revealed since the process would have merge the two objects together (i.e. retrieve the other object's position and merge the two as one) then sent to output buffer to be formed (i.e. drawn). If no overlapping is revealed, it is sent to the printer to be formed (i.e. drawn on the bitmap buffer) by the printer wherein the bitmap location information is marked after being drawn and then stored for printing. Nguyen et al discloses that a document requires many print calls be processed hence the method is repeated every time for each object presented in the document. (Abstract; Column 6, lines 35-49, 59-62; Column 7, 4-8, 16-61) Therefore, Nguyen discloses the limitation of if the order of operation if the positions of the elements are determined first or the drawing of the elements occurs first.

However, Nguyen et al fails to disclose that the document is written in a structured tag language comprising tags. However, W3Schools discloses the language HTML wherein a HTML document contains markup tags that discloses how the document will appear when displayed (Pg 1, "HTML Introduction"; Pg 5).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Nguyen et al's method of printing a document with objects with W3School's disclosure of HTML documents since it would have provided HTML provides essential features of hypertext, that allows documents (web page) to link to over documents, and universally, that's allows any computer to read a HTML document since the documents are text files.

### ***Conclusion***

**22. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

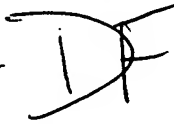
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

Art Unit: 2178

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Faber  
Patent Examiner  
AU 2178



**CESAR PAULA**  
**PRIMARY EXAMINER**